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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,)
08 Plaintiff,) Case No. CR08-163-JLR
09 v.)
10 MALLORY NEHEMIAH BROWN,) SUMMARY REPORT OF U.S.
11 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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13 An initial hearing on a petition for violation of supervised release was held before the
14 undersigned Magistrate Judge on July 23, 2008. The United States was represented by Assistant
15 United States Attorney Jim Osterle, and the defendant by Kenneth Kanev.

16 The defendant had been charged and convicted of Bank Robbery in violation of 18 U.S.C.
17 § 2113(a). On or about January 23, 2008, defendant was sentenced by the Honorable James L.
18 Robart to a term of fifty-one (51) months in custody, to be followed by three (3) years supervised
19 release.

20 The conditions of supervised release included the requirements that the defendant comply
21 with all local, state, and federal laws, and with the standard conditions. Special conditions
22 imposed included, but were not limited to, participation in substance abuse and mental health
23 program, financial disclosure, \$3,681.00 restitution, search, up to 120 days at RRC, 90 days on
24 HC/EM, no new lines of credit and no association with known gang members.

25 In a Petition for Warrant or Summons, dated July 23, 2008, U.S. Probation Officer
26 Jennifer J. Tien asserted the following violations by defendant of the conditions of his supervised

01 release:


- 02 (1) Using marijuana on or about May 20, June 6, June 22, and July 8, 2008, in
03 violation of the standard condition number seven.
- 04 (2) Failing to report for urinalysis testing on July 11 and 22, 2008, in violation of the
05 special condition of drug aftercare.
- 06 (3) Failing to follow the rules and regulations of the home confinement program by
07 leaving his residence without authorization on July 7, 2008, and using marijuana
08 on or before July 8, 2008, in violation of the special condition that the defendant
09 participate in the home confinement program for a period of 90 days.

10 On July 23, 2008 defendant made his initial appearance. Defendant was advised of the
11 allegations and of his rights. Defendant admitted violations 1 and 2, but denied violation 3.

12 I therefore recommend that the Court find the defendant to have violated the terms and
13 conditions of his supervised release as to violations 1 and 2, and recommend the Court conduct
14 an evidentiary hearing on alleged violation 3. An evidentiary hearing on violation 3 has been set
15 before the Honorable John Weinberg on July 30, 2008 at 11:00 a.m. A disposition hearing has
16 not yet been set before the Honorable James L. Robart.

17 Pending a final determination by the Court, the defendant has been detained.

18 DATED this 23rd day of July, 2008.

19 
20 JAMES P. DONOHUE
21 United States Magistrate Judge

22 cc: Magistrate Judge: Honorable James L. Robart
23 AUSA: Mr. Jim Osterle
24 Defendant's attorney: Mr. Kenneth Kanev
25 Probation officer: Ms. Jennifer J. Tien
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